

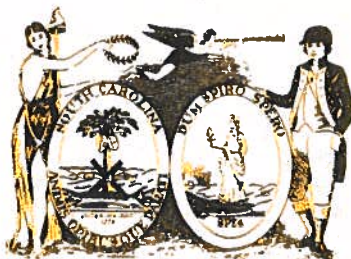
State of South Carolina

Executive Department

FILED

NOV 06 2020

Mark Hammond
SECRETARY OF STATE



Office of the Governor

EXECUTIVE ORDER NO.

2020-69

WHEREAS, on November 5, 2020, a Grand Jury convened in Bamberg County returned multiple Indictments charging Kerry Trent Kinard, a member of Bamberg County Council, with one count of Assault and Battery, First Degree, in violation of section 16-3-600 of the South Carolina Code of Laws, as amended; one count of Attempted Criminal Sexual Conduct with a Minor, Second Degree, in violation of section 16-3-655 of the South Carolina Code of Laws, as amended; two counts of Criminal Solicitation of a Minor, in violation of section 16-15-342 of the South Carolina Code of Laws, as amended; one count of Lewd Act on a Child, in violation of section 16-15-140 of the South Carolina Code of Laws, as amended; and two counts of Disseminating Obscene Material to a Person Under Eighteen (18) Years of Age, in violation of section 16-15-345 of the South Carolina Code of Laws, as amended; and

WHEREAS, Kerry Trent Kinard, as a member of Bamberg County Council, is an officer of the State or its political subdivisions; and

WHEREAS, article VI, section 8 of the South Carolina Constitution provides, *inter alia*, that “[a]ny officer of the State or its political subdivisions . . . who has been indicted by a grand jury for a crime involving moral turpitude . . . may be suspended by the Governor until he shall have been acquitted” and “[i]n case of conviction the office shall be declared vacant and the vacancy filled as may be provided by law”; and

WHEREAS, under South Carolina law, moral turpitude “implies something immoral in itself,” *State v. Horton*, 271 S.C. 413, 414, 248 S.E.2d 263, 263 (1978), and “involves an act of baseness, vileness, or depravity in the social duties which a man owes to his fellow man or society in general, contrary to the accepted and customary rule of right and duty between man and man,” *State v. Major*, 301 S.C. 181, 186, 391 S.E.2d 235, 238 (1990); *see also State v. McFarlane*, 279 S.C. 327, 332, 306 S.E.2d 611, 614 (1983) (“[W]e are of the opinion criminal sexual conduct with a minor in any degree is a crime of moral turpitude.”); and

WHEREAS, one or more of the aforementioned Indictments charge Kerry Trent Kinard with “a crime involving moral turpitude” for purposes of article VI, section 8 of the South Carolina Constitution.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby suspend Kerry Trent Kinard from office as a member of Bamberg County Council until such time as he shall be formally acquitted or convicted. This action in no manner addresses the guilt or innocence of Kerry Trent Kinard and shall not be construed as an expression of any opinion on such question. This Order is effective immediately.



GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 6th DAY OF NOVEMBER, 2020.

A handwritten signature in blue ink, appearing to read "Henry McMaster".

HENRY MCMASTER
Governor

ATTEST:

A handwritten signature in blue ink, appearing to read "Mark Hammond".

MARK HAMMOND
Secretary of State